

§ 97.70

40 CFR Ch. I (7–1–03 Edition)

Administrator will notify the NO_x authorized account representatives of both accounts subject to the transfer of:

(1) A decision not to record the transfer; and

(2) The reasons for such non-recording.

(c) Nothing in this section shall preclude the submission of a NO_x allowance transfer for recordation following notification of non-recording.

Subpart H—Monitoring and Reporting

§ 97.70 General requirements.

The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and in subpart H of part 75 of this chapter. For purposes of complying with such requirements, the definitions in § 97.2 and in § 72.2 of this chapter shall apply, and the terms “affected unit,” “designated representative,” and “continuous emission monitoring system” (or “CEMS”) in part 75 of this chapter shall be deemed to refer to the terms “NO_x Budget unit,” “NO_x authorized account representative,” and “continuous emission monitoring system” (or “CEMS”) respectively, as defined in § 97.2. The owner or operator of a unit that is not a NO_x Budget unit but that is monitored under § 75.72(b)(2)(ii) of this chapter shall comply with the monitoring, recordkeeping, and reporting requirements for a NO_x Budget unit under this part.

(a) *Requirements for installation, certification, and data accounting.* The owner or operator of each NO_x Budget unit shall meet the following requirements. These provisions shall also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in subpart I of this part:

(1) Install all monitoring systems required under this subpart for monitoring NO_x mass emissions. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input rate, and stack flow rate, in

accordance with §§ 75.72 and 75.76 of this chapter.

(2) Install all monitoring systems for monitoring heat input rate.

(3) Successfully complete all certification tests required under § 97.71 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.

(4) Record, report, and quality-assure the data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

(b) *Compliance deadlines.* The owner or operator shall meet the certification and other requirements of paragraphs (a)(1) through (a)(3) of this section on or before the following dates. The owner or operator shall record, report and quality-assure the data from the monitoring systems under paragraphs (a)(1) and (a)(2) of this section on and after the following dates.

(1) For the owner or operator of a NO_x Budget unit for which the owner or operator intends to apply for early reduction credits under § 97.43, by May 1, 2001. If the owner or operator of a NO_x Budget unit fails to meet this deadline, he or she is not eligible to apply for early reduction credits and is subject to the deadline under paragraph (b)(2) of this section.

(2) For the owner or operator of a NO_x Budget unit under § 97.4(a) that commences operation before January 1, 2003 and that is not subject to or does not meet the deadline under paragraph (b)(1) of this section, by May 1, 2003.

(3) For the owner or operator of a NO_x Budget unit under § 97.4(a)(1) that commences operation on or after January 1, 2003 and that reports on an annual basis under § 97.74(d) by the later of the following dates:

(i) May 1, 2003; or

(ii) 90 days after the date on which the unit commences commercial operation.

(4) For the owner or operator of a NO_x Budget unit under § 97.4(a)(1) that commences operation on or after January 1, 2003 and that reports on a control period basis under § 97.74(d)(2)(ii), by no later than 90 days after the date on which the unit commences commercial operation, provided that this date is

during a control period. If this date does not occur during a control period, the applicable deadline is May 1 immediately following this date.

(5) For the owner or operator of a NO_x Budget unit under §97.4(a)(2) that commences operation on or after January 1, 2003 and that reports on an annual basis under §97.74(d), by the later of the following dates:

(i) May 1, 2003; or

(ii) 180 days after the date on which the unit commences operation.

(6) For the owner or operator of a NO_x Budget unit under §97.4(a)(2) that commences operation on or after January 1, 2003 and that report on a control period basis under §97.74(d)(2)(ii), by 180 days after the date on which the unit commences operation, provided that this date is during a control period. If this date does not occur during a control period, the applicable deadline is May 1 immediately following this date.

(7) For the owner or operator of a NO_x Budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) of this section or under subpart I of this part and that reports on an annual basis under §97.74(d), by 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue.

(8) For the owner or operator of a NO_x Budget unit that has a new stack or flue for which construction is completed after the applicable deadline under paragraph (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) of this section or under subpart I of this part and that reports on a control period basis under §97.74(d)(2)(ii), by 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue, provided that this date is during a control period. If this date does not occur during the control period, the applicable deadline is May 1 immediately following this date.

(9) For the owner or operator of a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, by the date specified under subpart I of this part.

(c) *Reporting data prior to initial certification.* The owner or operator of a

NO_x Budget unit under paragraph (b)(3), (b)(4), (b)(5), or (b)(6) of this section shall determine, record and report NO_x mass emissions, heat input rate, and any other values required to determine NO_x mass emissions (e.g., NO_x emission rate and heat input rate, or NO_x concentration and stack flow rate) in accordance with §75.70(g) of this chapter, from the date and hour that the unit starts operating until the date and hour on which the continuous emission monitoring system, excepted monitoring system under appendix D or E of part 75 of this chapter, or excepted monitoring methodology under §75.19 of this chapter is provisionally certified.

(d) *Prohibitions.* (1) No owner or operator of a NO_x Budget unit shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with §97.75.

(2) No owner or operator of a NO_x Budget unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this subpart and part 75 of this chapter, except as provided in §75.74 of this chapter.

(3) No owner or operator of a NO_x Budget unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter or except as provided in §75.74 of this chapter.

(4) No owner or operator of a NO_x Budget unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under §97.4(b) or §97.5 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the permitting authority for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with §97.71(b)(2).

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21530, Apr. 30, 2002]

§97.71 Initial certification and recertification procedures.

(a) The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures of part 75 of this chapter, except that:

(1) If, prior to January 1, 1998, the Administrator approved a petition under §75.17(a) or (b) of this chapter for apportioning the NO_x emission rate measured in a common stack or a petition under §75.66 of this chapter for an alternative to a requirement in §75.17 of this chapter, the NO_x authorized account representative shall resubmit the petition to the Administrator under §97.75(a) to determine if the approval applies under the NO_x Budget Trading Program.

(2) For any additional CEMS required under the common stack provisions in §75.72 of this chapter or for any NO_x concentration CEMS used under the provisions of §75.71(a)(2) of this chapter, the owner or operator shall meet the requirements of paragraph (b) of this section.

(b) The owner or operator of a NO_x Budget unit that is not subject to an Acid Rain emissions limitation shall comply with the following initial certification and recertification procedures. The owner or operator of such a unit that qualifies to use the low mass emissions excepted monitoring meth-

odology under §75.19 of this chapter or that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall comply with the following procedures, as modified by paragraph (c) or (d) of this section. The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation and that requires additional CEMS under the common stack provisions in §75.72 of this chapter or uses a NO_x concentration CEMS under §75.71(a)(2) of this chapter shall comply with the following procedures.

(1) *Requirements for initial certification.* The owner or operator shall ensure that each monitoring system required by subpart H of part 75 of this chapter (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under §75.20 of this chapter by the applicable deadline in §97.70(b). In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this part in a location where no such monitoring system was previously installed, initial certification in accordance with §75.20 of this chapter is required.

(2) *Requirements for recertification.* Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the requirements of §75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system in accordance with §75.20(b) of this chapter. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system in accordance with §75.20(b) of this chapter. Examples of changes that require recertification include: replacement of the analyzer, complete replacement of an existing